

## Article - Health - General

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§19–325.

(a) If voluntary efforts to reduce excess capacity prove insufficient, as a last resort the Maryland Health Care Commission and the Health Services Cost Review Commission may petition the Secretary to delicense any hospital or part of a hospital or hospital service based on a finding after a public hearing that the delicensure is consistent with the State health plan or institution-specific plan. The petition shall specify in detail all efforts made by the petitioner to encourage the hospital:

- (1) To reduce its underutilized capacity;
- (2) To merge or consolidate;
- (3) To become more efficient and effective; and
- (4) To convert from acute capacity to alternative uses, where appropriate.

(b) On petition by the Maryland Health Care Commission and the Health Services Cost Review Commission, the Secretary may order that a hospital or part of a hospital or hospital service be delicensed if:

(1) The Secretary determines that delicensure is the last resort and a hospital or hospital services are excessive or inefficient, which determination is based on and is not inconsistent with the State health plan or institution-specific plan;

(2) An opportunity for notice and hearing in accordance with the Administrative Procedure Act has been given to the affected hospital, and in the affected political subdivision notice shall be given to the elected public officials and for at least 2 consecutive weeks in a newspaper of general circulation; and

(3) The hospital is not the sole provider of hospital services in a county for which the Commission and Health Services Cost Review Commission have petitioned for all of the beds of the hospital to be delicensed.

(c) The Maryland Health Care Commission and the Health Services Cost Review Commission are necessary parties to any proceeding in accordance with this section.

(d) Any person who is aggrieved by a final decision of the Secretary under this section may take a direct judicial appeal.

(e) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

(f) The Secretary may participate in any appeal of a decision made in accordance with this section.

(g) In the event of an adverse decision that affects its final decision, the Secretary may apply within 30 days by writ of certiorari to the Court of Appeals for review where:

(1) Review is necessary to secure uniformity of decision, as where the same statute has been construed differently by 2 or more judges; or

(2) There are other special circumstances that render it desirable and in the public interest that the decision be reviewed.

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